IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4213 OF 2006

Asgar Ali Akbar .. Petitioner.
Vs.
Aishabai Hasan Mian .. Respondent.

WITH

WRIT PETITION NO.4103 OF 2006

Asgar Ali Akbar .. Petitioner.
Vs.
Ismail Haji Liya .. Respondent.

Ms.Shaswati S.Sarkar for the petitioners.
Mr.A.R.Pande for the respondents.

CORAM : D.B.BHOSALE, J.

DATED : 2ND FEBRUARY, 2007

P.C.:

. Heard learned counsel for the parties.

2. Rule, returnable forthwith. By consent of the learned counsel for parties taken up for final hearing. Mr.Pande, learned counsel waives service for the respondents.

3. Both the writ petitions challenge similar order by which interim notice taken out by the petitioner-plaintiff, seeking direction to the respondent-defendant to deposit all the arrears of rent and mesne profit in the court and for permission

to withdraw the said amount, has been discharged. The learned counsel for the parties have fairly stated that I need not record the reasons for allowing the writ petitions and have agreed for the following order:

. The orders impugned in both the writ petitions dated 12th April, 2006 are quashed and set aside. The respondent-defendant in both the petitions shall deposit the arrears of rent since February, 1987 in the trial Court within a period of four weeks from today and shall keep depositing monthly rent till the disposal of suit. On the respondent depositing the arrears of rent, as aforestated, the trial Court shall pass appropriate orders for an investment of the said amount in fixed deposit. The deposit of rent shall be subject to outcome of the suit and the trial Court shall pass appropriate orders in respect thereof while disposing of the suit.

. It is open for the petitioner-plaintiff to apply for early hearing of the suit. If such an application is filed, the trial Court shall pass appropriate orders keeping in view the pendency in the court. With these observations both the writ petitions stand disposed of.

(D.B.Bhosale, J.)